

Question & Answer Session
CWNS 2008 Training: Documentation Rules and Document Types
September 25, 2007

Q: In the “Changes and Eligibility” slide, it states that projects not eligible under the SRF program will be reported as an official need in the report to Congress. Does this also mean that the project dollar value will be included in the State’s total needs?

A: We will present the data in the report in two ways. The official needs will include SRF-eligible needs plus those that are not SRF-eligible, which fall within the definition Mr. Escobar explained. We will also present the SRF-eligible subset of needs. We do not know which one of these two Congress would like to use, should the CWNS 2008 results be tied to future SRF allotments. So, this is something we have to weigh on. If we get any information on this, we will pass it on to the workgroup.

Q: What is the procedure for non-footnotable needs documents?

A: Non-footnotable documents can be submitted either (1) electronic documents can be submitted via the data entry system (training will be provided during the CWNS 2008 Kick-Off meeting), or (2) hard copies can be mailed to EPA. In both cases, the documents will need to be annotated to indicate:

- *Document title*
 - *Author*
 - *Date*
 - *Page or pages that contain the information substantiating the water quality or public health problem, describing the recommended alternative, and/or presenting associated costs.*
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Q: Will the Users Guide be available before the 2008 Kickoff meeting?

A: The User Manual will be available just prior to the Kickoff meeting. As the data system is finalized, we will continue to update the User Manual. We will make it available electronically before the meeting, and we will also provide hard copies to the each state.

Q: In reference to slide 7, if “privately-owned” is not an official need, why are we including it in the Report to Congress?

A: In reference to slide 7, the privately-owned needs are not official needs for the Section 212-related needs. However, some private nonpoint source (NPS) and stormwater needs are official needs. Those will be in the main body of the report.

Q: Several people are asking for examples of needs that are not SRF eligible, but in the CWNS survey they would be considered official needs.

A: One example of needs that are not SRF eligible that are CWNS eligible is private septic systems. New septic systems are not SRF eligible, but meet all CWNS criteria. Therefore, the capital costs can be included in the category Decentralized Wastewater Treatment Systems (XII).

Q: Will O&M costs be included in the total needs of a State?

A: No. They will not be included.

Q: When will information be available for the Kickoff meeting?

A: It is currently available in the CWNS Website at <http://www.epa.gov/cwns/kickoff.htm>. The website includes information about the dates and location, as well as linking to a draft agenda.

Q: Can you define the use of footnotable and what is meant by footnotable?

A: Footnotable documents are documents that do not need to be submitted to EPA for review. This is only an option when the facility's total needs are less than \$20 million in 2008 dollars and the document type being used is considered footnotable. The CWNS Data Submission and Review Subcommittee reviewed each document type and decided which should be considered to be footnotable.

Q: To make it easier for the completion of the survey, we do not have to submit back-up documentation. Is that right? But we have to retain the back-up for a potential audit?

A: For the footnotable documents, that is correct. Documents that do not meet the footnotable criteria will need to be submitted to EPA.

Q: Will any kind of survey-generated data be allowed, as in the drinking water needs survey?

A: We do have a few document types that such Sanitary Survey, Small Community Survey, and State Needs Surveys that are acceptable for documentation.

Q: Is the use of State and federal loans and grant applications as an acceptable documentation type new this year?

A: It is not new. For CWNS 2004, it was combined with all types other types of funding applications. For 2008, we have separated them. We have also made these applications footnotable, which is a change from CWNS 2004.

Q: When using document types 3 or 4 (State/Federal or non-governmental loan and grant applications) is there an expectation regarding the award date for the needs to still count? For example, the SRF loan award that results from the SRF loan application needs to have occurred after January 1, 2008, because if it happens before that date, the needs will have been met.

A: Yes. The example is correct. We are defining needs based on the funding date. So, if the funding occurs before January 1, 2008, the funding announced prior to January 1, 2008 does not count towards the needs, but if the funding occurs after January 1, 2008, the amount that has not been funded as of January 1, 2008 gets counted.

Q: Is the product eligible to be counted as a need, even if a potential funding source is identified? For example, the product is an IUP.

A: Yes, as long as the need exists as of January 1, 2008.

Q: Why is the CWSRF loan application a separate document type as opposed to being included with the State and Federal Loan application document type?

A: The separation of those two document types is mainly for the footnotable auditing process. A large portion of our documents that are footnoted are CWSRF loan applications. For setting up our auditing sampling scheme, it worked out well to keep it as a separate document type.

Q: Why are State-approved basin plans and Comprehensive Conservation Management Plans (CCMP) not footnotable?

A: In both cases it has to do not with the fact that it is approved or not approved, but with the variability in information in those types of documents. Some of those documents have a lot of good details and are site-specific about the solution and the cost, and some do not. So, given the variability and level of detail of information in those documents, we can't make them footnotable. We need to have them submitted as part of the normal review.

Q: Our Water Board inserts TMDLs into basin plans. The staff report refers to cost and needs, but doesn't include land acquisition. Can we use these basin plans amendments for supplemental information in land acquisition costs?

A: Land acquisition is not eligible for wastewater treatment needs unless it is an integral part of the treatment process. Land acquisition can be eligible as part of NPS needs. Amendments to documents can be included and can be used to justify needs and costs.

Q: Does the State Survey Form replace the Small Community Form?

A: *No. The Small Community Form (document type 71) and the State Needs Surveys & other State forms (document type 12) are two different document types. That said, the information required for a State form to be accepted by EPA is very similar to that of the Small Community Form.*

One of the main differences between these documents is that states must send state-specific forms (document type 12) to the Regional CWNS Coordinator and to HQ for approval prior to using these forms for data collection, whereas the Small Community Form (document type 71) doesn't require pre-approval. Another key difference is that the use of State Forms to document a need is not constraint by the population ceiling that the Small Community Form has (10,000 people).

Q: Frequently documents for projects, such as sanitary sewer rehabilitation, do not elaborate on the environmental needs and benefits. How is the needs documentation, in this situation, to be addressed?

A: *If the document you are referring to has only cost information, then you will need to find another document to justify the need. If you are using that document as the only source of needs justification, it must be clearly stated that there is a water quality or public health problem, otherwise we cannot accept the justification.*

Q: How should a need be reported if it is under the 2007-2008 Heading, which is sometimes the case in CIPs? Can the 2007 needs be included?

A: *If the project has not been completely funded by January 1, 2008, then the remaining unfunded portion of the can be included in CWNS 2008.*

Q: The question is in reference to slide 52. Are CSO needs only for a 20-year period?

A: *All needs in the survey are defined as a current or anticipated problem over the next 20 years. For 2008, we will allow funding periods to extend beyond 20 years if they address needs that occur within 20 years. So, the end date for needs entered in CWNS 2008 will be based on if a need occurs or is expected to occur prior to the end of 2027.*

Q: Is a State-approved long term control plan footnotable, or does it actually need to be approved by EPA?

*A: In the web seminar, the speaker responded that only those long term control plans that have been approved by EPA are footnotable. As a result of this question and subsequent discussion, EPA reevaluated this and decided that **state-approved LTCPs are also footnotable.***

Q: If we have issued a notice to a municipality indicating that they are at 80% or greater of their wastewater treatment capacity, can we use this to justify their need?

A: If it is part of the permit schedule, then, yes. If it is an Order, it can be entered as document type 30. Just a letter itself, it may be OK as a document type 99. A letter is not currently a pre-approved document type.

Q: For Document type 30 EPA has filed a court suit and a final court order has not been rendered. Can that action of filing the suit be used to identify a need?

A: Not in the way we have set up the documents for the 2008 survey.

Q: All those documents that can document needs but no costs, how is that information used? Does each need have to have a cost associated with it?

A: That is correct. Each need must have a cost associated with it. If you do not have enough information to justify cost, in some cases cost curves will be available within the CWNS 2008 data entry system.

Q: Regarding wasteload allocation plans, when we provide wasteload allocation plans for a community they often are not in response to existing water quality problems. They are for new or expanded facilities. Did you say that the costs for the new expanded plants are valid needs?

A: Yes, the costs for new or expanded plants are valid needs. The documentation submitted for those must meet the documentation criteria. It doesn't matter if it is a new or existing plant.

Q: Some documents that have not been funded by 319 do meet the nine key elements. Are they footnotable?

A: No, they are not footnotable. About one year ago, we worked with the 319 program personnel at EPA Headquarters. Someone in that group analyzed a large group of watershed documents and found that hardly any of them had met the nine key elements. Therefore, it was

not deemed beneficial to do a blanket footnotable status for that document type. This document type must be submitted to EPA for review.

Q: What is the difference between document type 42 and document type 43? Both have the word “approved”. What is the difference?

A: State Annual 319(h) Workplans are essentially the 319(h) grant applications that states need to develop and have approved to obtain money from EPA. 319(h) Project Implementation Plans are specific plans for each NPS project on which the state has proposed to spend money. Both should be approved by the EPA region to be considered a standard CWNS document.

Q: Documenting NPS needs appears to have fewer documents and fewer opportunities for footnoting. NPS is the largest water quality issue we face today. How can we make NPS reporting more manageable?

A: For NPS needs documentation, we have done two things to make it easier to get ready for 2008. For NPS needs, there are actually more document types now than there were in CWNS 2004. The other thing we have done is build document management capabilities into the Data Entry System. This will make it a lot easier to submit any kind of documents. So, it is a simple thing for needs that require documents to upload the document electronically into the new system. It is not like the past when the States had to mail large documents to EPA. In regards to the footnotable status of NPS needs documents, we are under a lot of pressure from the President’s Office of Management & Budget to make sure that we are verifying needs. We need to apply the same standards for point source needs documentation as we do to NPS needs documentation. Unfortunately, a lot of the existing NPS documents do not have the same level of detail as the point source documents. Therefore, we cannot make as many of the NPS documents footnotable.

Q: Are there States that have access to farm plans?

A: EPA is creating a library of sample documents and could not find any farms plans. Farms tend to keep this information private. We know that they contain valuable information. If any states have examples of farm plans, please submit them to cwns@epa.gov so that we can share them with the CWNS community.

Q: Is it possible for the new CWNS Data Entry System to print a cover page which could be appended to a hard copy document that includes information that the presenter mentioned?

A: The cover page reference in slide 74 is not a stand alone cover page generated by States solely for submitting along with documents required for CWNS, it is the cover page of an actual submitted document. In other words, tagging information is not compiled in a document

separate from the submitted documents, it is embedded within the submitted documents, including the submitted documents' cover pages.

Q: For very small communities less than 1500 people where there is a local signature for ongoing incremental sewer rehab but the contractor's judgment is sufficient to do rehabilitation and therefore no engineering documents are developed. Are there approved cost curves that can be used to document costs? If not, what other methods can be used to document costs?

A: There will be cost curves for these types of situations. They will be presented in a Web seminar on November 27, 1-3 ET.

Q: Does EPA have a standard procedure to review non-footnotable documents?

A: Yes, we do have standard procedures to review these documents. When the work is done by contractors, the review is audited by EPA.

Q: When will the model Small Community Survey be available?

A: We are working on the survey right now. We cannot make it (or any other model survey) available until the ICR process is finalized. Once OMB approves the ICR and the kind of data that we can request from the States, we will let you know. Hopefully, this should be by the end of December or early January.

We currently have two Best Practices Guides (Small Community and Decentralized Wastewater Treatment) available at <http://www.epa.gov/cwns/cwns2008.htm>. The Small Communities Best Practices Guide includes an explanation of the guidelines plus prototype of what the small community survey within the data entry system might look like. The Decentralized Best Practices Guide include sample surveys used by states in 2004, as well as a sample survey that states can use in 2008.

Q: What are the minimum criteria data elements required for a State Form?

A States must send state-specific forms (document type 12) to the Regional CWNS Coordinator and to HQ for approval prior to using these forms for data collection.

*State forms are acceptable for documenting **need** if they contain the following minimum elements:*

- Costs, by Needs Category*
- Description of Needs & Project Benefits*
- Time Horizon of Needs*
- Contact Information (same as Doc Type 71)*
- Population Estimates (same as Doc Type 71)*

- *A local government official's signature certifies that the community has the water quality needs described in the form. ("Local" means city, community, town, borough, village, township, parish, or county.). A local government official does not mean just the elected representative (e.g., Mayor); it can be any other qualified official (e.g., public works manager)*

*For communities with populations of fewer than 10,000 persons, State Need Surveys are acceptable **for documenting cost** if a cost estimate that has been prepared and signed by an engineer or engineer circuit rider is attached and **other acceptable documentation types are not available**. The cost estimate need not be as detailed as that found in a facility plan, but it must include the engineer's rationale for the estimate. Qualified state project staff (a state registered engineer (PE) or circuit rider) and the State CWNS Coordinator must also sign a statement of cost reasonableness after reviewing the estimate.*

For specific communities with populations of 3,500 or less and under extraordinary circumstances, states may apply to EPA HQ for pre-approval on ability for a state registered engineer (PE) or circuit rider to sign the cost or need justification for document type 12. States should send written statements to EPA HQ with the community's details and why local signatures are not available. Requests to EPA HQ should be done individually for each community, and not in a regional level. States should wait until EPA HQ approves the request before entering needs or cost information into the database.

Q: In reference to State Needs Surveys & other State forms (document type 12), who is qualified state staff?

A: *A state registered engineer (PE) or circuit rider.*

Following the Stormwater Web Seminar, we will provide more details on eligibility in terms of what is public versus private, official versus non-official, etc.